

MICHAEL E. McFARLAND, JR., #23000
Evans, Craven & Lackie, P.S.
818 W. Riverside Ave., Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632
Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

DAWN DOBBINS,

Plaintiff,

vs.

WAFLA, a Washington Corporation;
and DAN FAZIO and JANE DOE
FAZIO, husband and wife and the
marital community comprised thereof,

Defendants.

Case No.
Thurston County Superior Court
Cause No. 17-2-03315-34

NOTICE OF REMOVAL OF
ACTION BY DEFENDANTS
PURSUANT TO 28 U.S.C. §1441

TO: The Clerk of the Court

PLEASE TAKE NOTICE that Defendants hereby remove to this Court
the state court action described below.

1. State Court Action

Defendants are parties in the above-entitled action originally commenced
on June 9, 2017, and pending in the Superior Court of the State of Washington in

NOTICE OF REMOVAL OF ACTION BY DEFENDANTS
PURSUANT TO 28 U.S.C. § 1441 - page 1

Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

1 and for Thurston County, Cause No. 17-2-03315-34.

2 2. Federal Question Jurisdiction

3
4 Plaintiff filed her Complaint in the Superior Court of the State of
5 Washington in and for Thurston County on June 9, 2017. In her Complaint,
6 Plaintiff alleges a cause of action pursuant to Title VII for alleged sexual
7 discrimination and retaliation. See, *Complaint*, page 9, paragraphs 4.4-4.7.
8 Plaintiff also alleges that her termination was “unlawful” pursuant to “federal
9 law.” *Id.*, at page 8, paragraph 3.23. Accordingly, this action is removable to federal
10 court under 28 U.S.C. § 1441, as Plaintiff’s claims arise under the Constitution,
11 laws, or treaties of the United States, and this Court would have had original
12 jurisdiction over Plaintiff’s claims under 28 U.S.C. §§ 1331 and 1343 had Plaintiff
13 elected to file the action in federal court. This Court is the District Court of the
14 United States for the district embracing the place where the state court action is
15 currently pending, and is therefore the appropriate Court for removal pursuant to
16 28 U.S.C. § 1441(a).

17
18
19 3. Timely Removal

20 This suit was filed in Thurston County Superior Court on June 9, 2017.
21 Defendants were served with the Summons and Complaint on June 13, 2017. This
22
23
24

1 Notice of Removal is filed within 30 days after the alleged service of the
2 Complaint. *See* 28 U.S.C. § 1446(b).

3
4 4. Papers Served on Defendants

5 A copy of the Summons and Complaint is attached as Exhibit A to the
6 Certificate of Attorney. A copy of the Notice of Assignment and Notice of Trial
7 Scheduling Date is attached as Exhibit B to the Certificate of Attorney. A copy of
8 the Notice of Appearance filed by Michael McFarland is attached as Exhibit C to
9 the Certificate of Attorney.
10
11
12

13 WHEREFORE, Defendants pray that the above-entitled action be removed
14 to this Court from the Superior Court of the State of Washington in and for
15 Thurston County.
16

17 DATED this 26th day of June, 2017.
18

19 EVANS, CRAVEN & LACKIE, P.S.
20

21
22 By: /s/ Michael E. McFarland
23 MICHAEL E. McFARLAND, JR., #23000
24 Attorneys for Defendants
25 Evans, Craven & Lackie, P.S.
26 818 W. Riverside Ave., Suite 250
27 Spokane, WA 99201
28 509-455-5200
509-455-3632 facsimile
mmcfarland@ecl-law.com

29
30 NOTICE OF REMOVAL OF ACTION BY DEFENDANTS
PURSUANT TO 28 U.S.C. § 1441 - page 3

Evans, Craven & Lackie, P.S.
818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Counsel for Plaintiffs

Isaac Ruiz

Ian Birk

Keller Rohrbach, LLP

1201 Third Ave., Suite 3200

Seattle, WA 98101

iruiz@kellerrohrbach.com

ibirk@kellerrohrbach.com

EVANS, CRAVEN & LACKIE, P.S.

By: /s/ Michael E. McFarland

MICHAEL E. McFARLAND, JR., #23000

Attorneys for Defendants

Evans, Craven & Lackie, P.S.

818 W. Riverside Ave., Suite 250

Spokane, WA 99201

509-455-5200

509-455-3632 facsimile

mmcfarland@ecl-law.com

NOTICE OF REMOVAL OF ACTION BY DEFENDANTS
PURSUANT TO 28 U.S.C. § 1441 - page 4

Evans, Craven & Lackie, P.S.

818 W. Riverside, Suite 250
Spokane, WA 99201-0910
(509) 455-5200; fax (509) 455-3632